



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: PDC Machines, Inc.

File: B-244724

Date: July 17, 1991

Sy M. Afzal for the protester.
Catherine M. Evans, Esq., Office of the General Counsel, GAO,
participated in the preparation of the decision.

DIGEST

1. Where protester does not specifically challenge agency's reasons for rejecting protester's proposal as technically unacceptable, protest of rejection is dismissed for failure to set forth a legally sufficient basis of protest as required by General Accounting Office Bid Protest Regulations.
2. Where protester's proposal was determined technically unacceptable, and protester has offered no argument that would warrant disturbing the agency's conclusion, protester is not an interested party to protest award to another offeror.

DECISION

PDC Machines, Inc. protests the rejection^A of its proposal and the award of a contract to Burton Corblin North America, Inc. under request for proposals (RFP) No. N61331-91-R-0048, issued by the Department of the Navy for a compressor. PDC alleges that the award to Corblin was improper because PDC's offered compressor is manufactured entirely in the United States while Corblin's is not, PDC is a small disadvantaged business, and PDC offered a lower price.

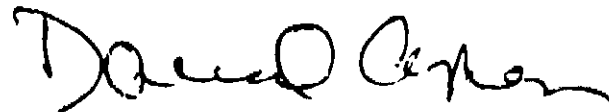
We dismiss the protest.

Our Bid Protest Regulations require that a protest include a detailed statement of the legal and factual grounds of protest, 4 C.F.R. § 21.1(c)(4) (1991), and that the grounds stated be legally sufficient. 4 C.F.R. § 21.1(e). This requirement contemplates that protesters will provide, at a minimum, either allegations or evidence sufficient, if uncontradicted, to establish the likelihood that the protester will prevail in its claim of improper agency action. Professional Medical Prods., Inc., B-231743, July 1, 1988, 88-2 CPD ¶ 2. PDC has not met this standard. The Navy's award notification letter to PDC, submitted with the protest,

states that PDC's proposed compressor was unacceptable because it did not meet 10 specific solicitation requirements. While PDC's protest states generally that its offered compressor meets the RFP requirements, it does not specifically refute any of the Navy's conclusions. Thus, we have no basis to find that the Navy's rejection of PDC's proposal as technically unacceptable based on the 10 deficiencies was in error.

Under the Competition in Contracting Act of 1984 and our Regulations, a protester must qualify as an interested party before its protest may be considered by our Office. 31 U.S.C. § 3553 (1988); 4 C.F.R. § 21.1(a). That is, a protester must have a direct economic interest which would be affected by the award of a contract or the failure to award a contract. 31 U.S.C. § 3551(2); 4 C.F.R. § 21.0(a). Here, PDC's proposal was determined to be technically unacceptable and PDC has offered no argument that would warrant disturbing the agency's conclusion in this regard. As PDC thus is not entitled to award, it is not an interested party to protest the award to Corblin on the basis of that firm's manufacturing location, small business status, or price. See RRRS Enters., Inc., B-241512; B-241512.2, Feb. 6, 1991, 91-1 CPD ¶ 125.

The protest is dismissed.


for John M. Melody
Assistant General Counsel